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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,250	08/23/2005	Per Herbert Kristensen	P17993USPC	1874
29078	7590	04/24/2008	EXAMINER	
CHRISTIAN D. ABEL			PRICE, CRAIG JAMES	
ONSAGERS AS				
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			04/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,250	<b>Applicant(s)</b> KRISTENSEN ET AL.
	<b>Examiner</b> Craig Price	<b>Art Unit</b> 3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 5-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/06)  
   Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
   Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the previous objection by the Draftsperson on form PTOL-948.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. The amendments to claims 6-13 overcomes the claim objections.

### ***Claim Rejections - 35 USC § 112***

3. The amendments to claims 1 and 14 overcomes the 35 USC 112 claim rejections.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5- 9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Eagles (4,315,533).

Eagles discloses a system to transfer fluid via at least one pipeline from one structure to another structure, comprising a first structure having an offloading arm (Q) which is movable in two planes perpendicular to each other and in which a part of the offloading arm remote from the first structure is engagable with a second structure, so to allow linear and rotational movements between the structures, and wherein at least a part of the pipeline along the offloading arm, remote from the first structure is attached to the offloading arm by means of at least one support (AH) moveable lengthwise relative to the offloading arm, and this part of the pipeline includes at least a first pipeline section (AC) configured to compensate for movements between the two structures in the longitudinal direction of the offloading arm, and that the first pipeline section (AC) is configured as a spiral with the axis of the spiral extending generally parallel with the longitudinal direction of the offloading arm, and where the spiral pipeline is capable of sustaining a spiral shape under the combined weight of the pipeline and fluid within the pipeline as shown in figure 1.

Regarding claim 2, Eagles discloses that the first pipeline section is configured

with V-shaped rigid pipelines (13a) connected by swivel joints as shown in figure 1.

Regarding claim 3, Eagles discloses that the V-shaped rigid pipelines connected by swivel joints are inverted and running in a generally vertical plane, generally parallel to the offloading arm as shown in figure 1

Regarding claim 5, Eagles discloses that the part of the pipeline also includes at least a second rigid pipeline section (the sections exist on both sides of Q) connected to supports moveable lengthwise relative to the offloading arm as shown in figure 1.

Regarding claim 6, Eagles discloses that at least one of the supports is a wheel mounted trolley (AM) arranged for movement lengthwise relative to the offloading arm as shown in figures 1 and 2.

Regarding claim 7, Eagles discloses that the part of the pipeline remote from the one structure and engagable with the other structure is itself connected to or part of another support (AH) moveable lengthwise relative to the offloading arm as shown in figures 1 and 2.

Regarding claim 8, Eagles discloses that the pipeline is connected to the respective structures by joints (AD) capable of accommodating angular and rotational movement between the pipeline and the respective structure as shown in figure1.

Regarding claim 9, Eagles discloses that the pipeline is connected to one of the respective structures by a hinge joint (L) and to the other of the respective structures by a universal joint (AV).

Regarding claim 11, Eagles discloses that there are a plurality of pipelines extending between the structures as shown in figures 1 and 2.

Regarding claim 12, Eagles discloses that a joint between the offloading arm and the other of the structures is formed as a pin (BT) downwardly dependant from the offloading arm, and rotatable about a vertical axis in a receptacle (BU, figure 2 shows the rotation potential for BT about the vertical axis in the receptacle) on the other of the structures.

Regarding claim 13, Eagles discloses that tension (through cable BX) is applied between the other structure and the part of the offloading arm engagable with that other structure, so to resist separation of the loading arm and the other structure as shown in figure 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eagles '533 in view of Gill (4,393,906).

Eagles is silent to the pipeline having at least one joint arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline (it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish).

Gill discloses the pipeline having at least one joint (27) arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline.

It would have been obvious to one of ordinary skill in the art at the time of invention to employ the joint of Gill into the device of Eagles to have the pipeline having at least one joint arranged to compensate for thermal expansion and contraction relative to the offloading arm and/or either or both of the structures, whereby to allow optimum alignment of adjacent lengths of pipeline in order to accommodate axial movement of the inboard end of the boom (Col. 3, Lns. 9-12).

***Response to Arguments***

6. Applicant's arguments filed 2/7/2008 have been fully considered but they are not persuasive. The argument concerning that the Eagles reference discloses a spiral is non-persuasive because, the pipeline AD of Eagles is connected by swivel joints, and at each of those swivel joints are 90 degree elbow bends in the pipeline going into the swivel joints. The combination of the elbows and joints and the manner in which they are connected configures the pipeline in such a manner that this pipeline is configured as a spiral in the broadest interpretation of the meaning spiral. Furthermore, the pipeline

is not in a common plane, since the swivel joints are connected by elbows to the main pipe segment which offsets the next pipeline from the previous pipeline, from any common plane. The fact that the shape of the pipeline bends of Eagles are more abrupt in comparison to applicant's invention are irrelevant, since there has been no exact limitation which defines what the spiral shape is to be.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP

17 April 2008

/John Rivell/  
Primary Examiner, Art Unit 3753

/C. P./  
Examiner, Art Unit 3753